

Serial No.: 09/314,738

Docket No. 0225-4185

REMARKSClaim Status

The Office Action indicates that claims 1-11 are pending and stand rejected under 35 U.S.C. §102(e).

The 35 USC §102(e) Rejection

Claims 1-11 stand rejected under 35 USC § 102(e) as being clearly rejected by Hiroya et al. (US Patent No. 5,754,654). In asserting this rejection, the Office Action alleges that the instant application is not entitled to priority to parent application no. 08/234,461.

Applicant notes that the Office Action acknowledges that in advance of the Office Action there was no outstanding issue on the merits that warranted the determination of whether (or not) the 35 USC § 112, ¶1, requirements pursuant to Applicant's 35 USC §120 priority claim have been met. The Office Action further states the following: "In order to properly present a necessary issue, this Office Action presents new grounds of rejection under 35 U.S.C. 102(e) based on the Hiroya et al patent." (Office Action at p. 2, ¶1).

Applicant respectfully traverses the 35 USC §102(e) rejection on the grounds that the Hiroya patent does not qualify as prior art against the instant application, because the claims of the instant application are properly entitled to an effective filing date of April 28, 1994—prior to the §102(e) filing date of Hiroya—based on the priority

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claim made under 35 USC §120 in the instant application to the benefit of the filing date of original ancestor application US Serial No. 08/234,461 (through the series of intervening continuation/divisional applications). There is, therefore, now an outstanding issue on the merits that requires a determination as to whether (or not) the 35 USC § 112, ¶1, requirements pursuant to Applicant's 35 USC §120 priority claim have been met.

The Office Action maintains that the written description does not support any of the following: i) the electronic ticket storage device of claims 1, 6, and 11; (ii) the sending, receiving, and recording of electronic tickets and money as recited in claims 6-10; and (iii) a terminal means separate from the electronic ticket storage means. Applicant respectfully disagrees with the reasoning set forth in the Office Action to support these assertions, and, in rebutting this rejection, Applicant respectfully requests careful reconsideration of Applicant's detailed remarks and explanations as set forth throughout the prosecution of the instant application, which remarks and explanations are incorporated herein by reference. Particularly, these detailed explanations include the specific remarks and explanations detailing how the instant claims are supported by the written description under 35 USC §112, ¶1, thus entitling the instant application to the benefit of the April 28, 1994, filing date of the original ancestor application. For example, Applicant respectfully refers the Examiner to the Request By Applicant For Interference With Patent Under 37 CFR § 1.607, as well as to the Appeal Brief Under 37 CFR § 1.192, which are herein incorporated by reference.

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Applicant submits that, as will be appreciated from a careful reconsideration of such detailed reasoning, the written description clearly and *reasonably conveys to an ordinarily skilled artisan* that at the time of filing of the original application, Applicant was in possession of the invention as claimed in the instant application. Thus, the rejection of claims 1-11 under 35 USC §102(e) should be withdrawn because Hiroya does not qualify as prior art to the subject matter claimed in the instant application.

The Request for Interference

The Office Action asserts that the response filed on August 2, 2004, was not in accordance with the requirements of MPEP 2308, and further states that Applicant's Request for Interference will be appropriately forwarded for determination of the question of declaring an interference upon Applicant furnishing the requirements of 37 CFR § 1.608(b).

Applicant respectfully notes that a Supplemental Statement Under 37 CFR § 1.608(b) will be submitted in due course. Applicant further maintains, however, that in the event that Applicant overcomes the hereinabove 35 USC § 102(e) rejection on the grounds that the parent application does indeed support the pending claims, then the requirement for such a Rule 608(b) Statement would be obviated and rendered moot.

Conclusion

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Reconsideration and withdrawal of the outstanding

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rejections is respectfully requested, allowance of all pending claims is respectfully submitted, and a notice declaring an interference with the Hiroya patent is respectfully requested.

If any outstanding issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number below.

The Examiner's time and attention to this matter are greatly appreciated.

Authorization

Applicant believes that the petitioned extension of time is sufficient to render this filing timely. However, should an additional extension of time be necessary, such is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 0225-4185.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.



By:

David V. Rossi
Registration No. 36,659

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CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile